REMARKS

Introduction

Claims 1-66 stand rejected. Applicant herein amends claims 1 and 27.

It should be appreciated that Applicant has elected to amend Claims 1 and

5 27 solely for the purpose of expediting the patent process in a manner consistent

with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making

such amendments, Applicant has not and does not in any way narrow the scope

of protection to which the Applicant considers the invention herein entitled.

Rather, Applicant reserves the right to pursue such protection at a later point in

10 time.

Hilton Davis / Festo Statement

Amendments herein to Claims 1 and 27 were not made for any reason

related to patentability. These claims are amended to clarify the invention and to

conform with standard claim drafting procedure.

15 ### The 35 U.S.C. § 112 Rejection

Claims 1, 27 and 53 are rejected under 35 U.S.C. § 112, second

paragraph for being indefinite. Applicant respectfully traverses this rejection.

The Examiner states that the limitation "without prompting user to enter

information" is indefinite because it does not clarify what information the user is

20 not prompted to enter. The Examiner posits that if the user is not prompted to

enter any information, it is indefinite how the server gets its information.

Applicant believes that the words of the claim speak for themselves. Claim 53,

for example, recites "receiving a search request for travel information from said

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end user [and] automatically determining a context from said received request for travel information, without prompting said end user to enter information."

Through the receiving step, the server receives a search request from for travel information from the end user. In a separate step, a context is automatically

5   determined from the received request for travel information, without prompting the user to enter information." In other words, the server receives information in the form of the search request. That search request is then used to automatically determine a context, without prompting the user to enter information (i.e., the only information received from the user is the request itself). The Examiner's

10   citation of Figure 4 as prompting the end user to enter information is not on point, because Figure 4 illustrates a screen used to enter search requests - not a screen used to determine a context from received search requests. In order to further clarify these issues in the context of claims 1 and 27, Applicant herein amends those claims to recite "automatically determining a context from said

15   received request for travel information, without using any user provided information other than said received request and without prompting said end user to enter any additional information."

The 35 U.S.C. § 102 Rejection

Claims 27-29, 34, 36-40 and 44-52 are rejected under 35 U.S.C. § 102(b)

20   as being anticipated by Tagawa. Applicant respectfully traverses this rejection. As amended, independent claim 27 recites "receiving a request for travel information...*automatically determining a context* from said received request for travel information, *without using any user provided information other*

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than said received request and without prompting said end user to enter any additional information; automatically searching a database according to said query and context for a search result, without any interaction with a human agent, wherein said search result comprises said travel information in a

5   singular, concise and consistent format, thereby providing ease of use for an end user, and returning said search result to said end user." (emphasis added).

More specifically, a user enters a request for travel information, and a search context is automatically determined from just the received request, without prompting said end user to enter any additional information. In

10   other words, from only the information the user entered on his own as a search request, and without requiring that the user type-in or otherwise provide any additional information, a context for the users request is automatically determined. In Tagawa on the other hand, the process is started by prompting the user to enter information, which the user has to type-in. After this, the user is

15   required to enter additional information in order for Tagawa to locate relevant travel information.

Additionally, the present invention as recited by claim 27 automatically determines a search context for the user based on the received request. The determined context (which is typically broader than the actual request as

20   entered) is used to glean relevant travel information for the user. Tagawa does not determine a context at all, but simply uses the manually entered information to search the database.

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The Examiner does not address the "automatically determining a context from said received request for travel information" limitation of claim 27, and makes no assertion that Tagawa discloses this limitation of claim 27. Applicant has carefully studied the Tagawa reference, and finds no disclosure or

5 suggestion of "automatically determining a context from said received request for travel information, without using any user provided information other than said received request and without prompting said end user to enter any additional information," as claim 27 recites. If the Examiner believes that this limitation of claim 27 is disclosed by Tagawa, the Applicant respectfully requests that the

10 Examiner state as much, and specify where in Tagawa the limitation is found. It is not proper for the Examiner to issue a 102(b) rejection of this claim without addressing all of the limitations.

Furthermore, as recited by claim 27, the database is automatically searched *according to the determined context, without any interaction with*

15 *a human agent.* As noted above, Tagawa does not search the database according to an automatically determined context, but instead based on the limited, user-entered information. Because Tagawa is so limited, it often puts the user in touch with a human travel agent via its built in telephone as part of the search process. On the contrary, as recited by claim 27, the travel information

20 for the user is always found in the database *without any interaction with a human agent.* This limitation is addressed by the Examiner, who cites to col. 14, lines 38-40 of Tagawa. This section of Tagawa states "If the user chooses the self-guided tour package, a compact car will be offered with round-trip airfare

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together with pricing information, and the customer will be queried as to whether a car upgrade is desired." This does not suggest searching anything at all in any context, but instead simply offering follow-up items (a compact car, round-trip airfare and pricing information) and querying the user for more information ("the

5   customer will be queried as to whether a car upgrade is desired") in response to the user making an overt selection ("user chooses the self-guided tour package"). Neither searching nor a context are disclosed or suggested. Applicant is aware that the Examiner stated that "Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of

10   the applicant [and] other passages and figures may apply as well." However, Applicant has carefully studied the entire reference, and finds no teaching or suggestion of the pending limitation. Applicant has made a good faith effort to take into account the entire reference, but respectfully notes that as it is the Examiner who is rejecting the claim, the burden is on the Examiner to show how

15   the reference anticipates each claim limitation, rather than making a general statement referring Applicant to the reference as a whole.

Claims 28-29, 34, 36-40 and 44-52 all depend from claim 27, and thus should be allowable for at least the same reasons as claim 27.

The 35 U.S.C. § 103 Rejections

20   Claims 1-3, 8-12, 14, 16-26 and 61 are rejected under 35 U.S.C. § 103(a) as being as being unpatentable over a hypothetical combination of Tagawa and a context determination module which the Examiner believes is implied by Tagawa. Applicant respectfully traverses this rejection. Claim 1 as amended recites "a

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context determination module, configured to determine a context from said

received request for travel information automatically, without using any user

provided information other than said received request and without prompting said

end user to enter any additional information." By the Examiner's own admission,

5   Tagawa does not expressly disclose a context determination module.   The

Examiner argues that it is obvious from col. 14, lines 21-24 and 38-40 of Tagawa

that the context is automatically determined without the user having to provide

any additional information. Applicant disagrees. Looking in the context at this

citation, Tagawa clearly does not discuss "determining a context from said

10   received request for travel information automatically, *without using any user*

provided information other than said received request and without

prompting said end user to enter any additional information." Tagawa

states:

15   a menu will appear listing the major packages...For
               example, in the Hawaii market, the major tour
               packages will be trips between the islands. From the
               island of Oahu, tours will be offered to Kauai, Maui,
               Molokai, Lanai and Hawaii (the Big Island). These
               tours will be divided into one-day and multi-day
20   packages. *The user is asked to select the type of*
               tour, that is, whether a one-day or multi-day tour is
               desired... If the user selects a one-day tour, *he will*
               be queried to choose a tour destination using the
               *touch screen...*In the Hawaii example, it will be a
25   *choice of island.* A video will present highlights of all
               the islands. *After selecting an island, the user*
               would be asked to choose between a guided
               motorcoach tour or a self-guided tour with an air
               *and car package...*If the motorcoach option is
30   chosen, a video will show highlights of the various
               tours and the menu will be *presented to allow the*
               user to select one of the tours using the touch
               *screen monitor...*If the user chooses the self-guided

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tour package, a compact car will be offered with round-trip airfare together with pricing information, and *the customer will be queried as to whether a car upgrade is desired*...If the customer wishes a car upgrade, *a menu will appear showing additional costs for various upgrades*. After the user has chosen a car in a self-guided tour option or selected the option of a particular motorcoach tour, *a calendar screen such as that of FIG. 13 will be shown to enable the user to input the date of either the motorcoach or self-guided tour*...As shown in FIG. 7C, a keyboard screen such as that of FIG. 14 would then appear...*to enable the user to input a name or names for the reservation*. In the Hawaii example, the *user will be instructed to input the names of all persons in the party* since air transportation is involved. If air travel is not part of the package, only one name will be requested to hold the reservation. A confirmation screen will then appear showing the tour selected and the amount due...and *the user is queried as to whether another tour is desired*. col. 14, lines 16-58 (emphasis added)

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The system does not determine that "Hawaii" is a content *"without using any user provided information other than said received request and without prompting said end user to enter any additional information"* and then "search said database automatically, *according to said...context.*" On the contrary, in the process of purchasing a tour package, the user must *"select the type of tour,"* then *"he will be queried to choose a tour destination, e.g.,"* a *choice of island."* Only after explicitly specifying an island, *"the user would be asked to choose between a guided motorcoach tour or a self-guided tour with an air and car package."* "If the motorcoach option is chosen...the menu will be *presented to allow the user to select one of the tours."* On the other hand, "If the user chooses the self-guided tour package, a compact car will be

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offered with round-trip airfare together with pricing information, and *the customer will be queried as to whether a car upgrade is desired.*" It should not be necessary to go on and quote the five additional requests for information that are made to the user in the passage quoted above. It is clear that in

5   Tagawa, no context is automatically determined from a limited set of information, but instead the user is prompted multiple times to continue entering additional information throughout the tour purchase process. For example, before being offered a car rental and round trip airfare to Hawaii, the user has to explicitly a) *"select the type of tour"* then *"choose a specific tour destination."* After

10 explicitly specifying a destination, e.g. a specific Hawaiian island, *"the user must specify that he wants a self-guided tour with an air and car package,"* as opposed to a motorcoach option. Only then is the user offered a compact car and round-trip airfare together with pricing information. After this point, the user continues to be queried extensively to enter additional information.

15   Claims 2-3, 8-12, 14,18-26 and 61 all depend from claim 1, and thus should be allowable for at least the same reasons as claim 1.

Claims 53-56 and 66 are rejected under 35 U.S.C. § 103(a) as being unpatentable over a hypothetical combinations of Tagawa and Notes. Applicant respectfully traverses this rejection. Applicant respectfully notes that the

20 Examiner's rejection of Claims 53-56 appears to be directed to a pervious version of claim 53, prior to the amendments made thereto by Applicant in the submission filed October 24, 2006. Applicant respectfully posits that it is not

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proper for the Examiner to reject an old version of the pending claim, rather than the current version thereof.

Turning now to the substantive merits, independent claim 53 recites "receiving a search request for travel information from said end user,

5   *automatically determining a context from said received request...without prompting said end user to enter information,* wherein said context comprises at least an interest and a destination; performing a first query of said...database according to said interest...responsive to receiving results to said first query...returning said results...*responsive to not receiving results to said first*

10   *query...performing a second query of said...database according to said a destination.*" (emphasis added).

As discussed above concerning claim 1, these limitations are neither disclosed nor suggested by Tagawa. The Notes reference does not disclose or suggest these features either, nor does the Examiner posit such.

15   Furthermore, as per the Examiner's admission, neither Tagawa nor Notes disclose performing a second query according to destination if a first query according to interest fails to return results. The Examiner argues that such a limitation would have been obvious to one of ordinary skill in the relevant art "because it is well known in the arts that companies would not want to give up a

20   potential customer" and so if a first query failed to produce results "the travel reservation system would allow the customer to plan his travel according to destination." However, claim 53 does not recite "not giving up a potential customer" or "allowing a customer to plan his travel according to destination." In

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fact, claim 53 does not recite anything about a customer at all. Instead, claim 53 recites a specific search methodology which consists of various steps that are not disclosed by the cited references. The Examiner's statement that it would be obvious to solve a specific technical problem as claim 53 solves it because "it is

5   well known in the arts that companies would not want to give up a potential customer" is not grounded in the law or rules. The Examiner must show every limitation of the rejected claim, as well as motivation to combine them and reasonable expectation of success. Simply assuming that one of ordinary skill in the art could come up with the recited invention because they would not wish to

10   loose a customer fails to meet the Examiner's burden to establish a prima facie case of obviousness.

Applicant notes further that "allow[ing] the customer to plan his travel according to destination" is not the limitation that is not disclosed by the references. The recited limitation that the Examiner admits is not disclosed by

15   the cited references is "responsive to not receiving results to said first query according to said interest, performing a second query of said at least one internal travel information database according to said a destination, without any interaction with a human agent." As noted above, the position that this step is someone obvious because it is well known that no one wants to loose a

20   customer is not tenable.

Claims 54-56 and 66 all depend from claim 53, and thus should be allowable for at least the same reasons as claim 53.

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Various other dependent claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over various hypothetical combinations of Tagawa with other references. For the record, applicant respectfully traverses the assertions that the proposed hypothetical combinations would disclose the recited limitations of

5   the rejected claims, that sufficient motivation exists to combine the references, and that, in the case of the Travelocity reference, the cited reference comprises prior art. However, such analysis is now moot as the rejected claims are all dependent upon an independent claim discussed above, and thus should be allowable for at least the same reasons.

10   **Conclusion**

In view of the above, the Application is deemed to be in allowable condition. The Examiner is therefore earnestly requested to withdraw all outstanding rejections, allowing the Application to pass to issue as a United States Patent. Should the Examiner believe that a telephone conversation would

15   be helpful or desirable, he is respectfully urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,

Jeffrey Brill

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Reg. No. 51,198

Customer No. 22,862

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